

City of Talent

Community Development Department - Planning



STAFF REPORT and TENTATIVE DECISION

Type-2 Land Use Application — Administrative Review

Date: July 20, 2016
Prepared by: Zac Moody

Item: MLP 2016-001
Minor Land Partition

Applicant John Michael Stevenson
PO Box 1396
Medford, OR 97501

Application Received..... March 28, 2016

Application Complete..... May 3, 2016

Notice Mailed and Posted..... May 5, 2016

Requested Action Partition a single lot into two.

Assessor's Map Number 38-1W-23CD, Tax Lot 7900

Lot Size 10,019 sq. ft.

Zoning Single Family – Medium Density (RS-7)

Applicable Code Sections Ch. 8-2. Subdivision Code

PROPOSAL

The request is for the approval of a preliminary plat to divide a 0.23-acre parcel into two (2) parcels.

PROPERTY CHARACTERISTICS

This application is for a lot partition located at 103 N. Front Street. The property is currently occupied by a single family dwelling that was built in 1943 and 1,388 square feet in size. The subject parcel is relatively flat with a slight drop in elevation to the northeast.



Transportation Service

Access is available to the property from Front Street, an improved City street. No request for additional right-of-way is being requested because the City of Talent Transportation Plan does not require it along Front Street as an appropriate amount of right-of-way already exists and improvements have already been installed.

Wastewater Service

Wastewater service is currently provided to the subject parcel by Rogue Valley Sewer Service (RVS).

Water Service

Water service currently serves the existing development and is adjacent to the proposed new parcel.

APPROVAL CRITERIA

Talent Subdivision Code, 8-2.2 - 8-2.4; Talent Zoning Code, 8-3C.3

PUBLIC COMMENTS

Two written comments were received. One comment encouraged the proposal and the other requested that the following concerns be addressed:

- Proposed lots sizes exceed the medium density requirements
- Concerned that three homes could be built.

Staff has address all of the concern as applicable with this request in the findings below.

Medium density development is allowed in the RS-7 zoning district. As proposed, the existing single family home will be located on a lot that will be approximately 6,255 square feet, exceeding the minimum by 255 square feet. The vacant lot will be approximately 6,095 square feet, also exceeding the minimum lot size. No high density development is being proposed.

AGENCY COMMENTS

Talent Irrigation District was noticed, but did not submit comment. Standard TID conditions will be applied to this application to ensure their requirements have been met.

Rogue Valley Sewer Services has provided comment and has proposed conditions of development approval which are addressed in the Findings below.

ANALYSIS

Preliminary administrative approval is subject to compliance with the criteria found in the Subdivision Code (8-2.310, 8-2.330), and the underlying zoning district (8-3C.2, Single Family Medium Density zone). Text from the code appears in italics.

8-2.240 *STREET TREES*

A. Plantings. Street trees shall be planted in planter strips on all arterial and collector streets, for all developments that are subject to Land Division or Site Design Review, except that street trees may be planted in planter wells as provided in subsection 4 below. Street trees are encouraged, but not required, for local streets. When provided on local streets, street trees shall be in planter strips. Additional requirements for tree planting are provided in Section 8-3J.422. Planting on unimproved streets shall be deferred until the construction of curbs and sidewalks.

Finding: The subject parcel is adjacent to Front Street. Front Street is identified in the Talent Transportation System Plan as a collector street and requires street trees. However, since the street does not have space to accommodate street trees and the newly adopted landscape code requires front yard trees, this requirement is not necessary. **The provisions of this section are not applicable.**

8-2.260 *VEHICULAR ACCESS AND CIRCULATION*

C. Access Permit Required. A new or modified connection to a public street requires an Access Permit in accordance with the following procedures:

- 1. Permits for access to City streets shall be subject to review and approval by the Public Works Director based on the standards contained in this Section and the provisions of Section 250— Transportation Facility Standards. An access permit may be in the form of a letter to the applicant, or it may be attached to a land use decision notice as a condition of approval.*
- 2. Permits for access to State highways shall be subject to review and approval by the Oregon Department of Transportation (ODOT), except when ODOT has delegated this responsibility to the City or Jackson County. In that case, the City or County shall determine whether access is granted based on its adopted standards.*

Finding: The subject parcel is located along Front Street. Access to the new and existing parcels will be from a shared driveway along Front Street, a collector street. As a condition of approval, the property owner shall prior to issuance of building permits, provide Community Development with an encroachment permit on City forms for the existing and new parcels and shall provide a shared access and maintenance agreement for the shared driveway. **The provisions of this section have been met with conditions.**

3. *Permits for access to County highways shall be subject to review and approval by Jackson County, except where the County has delegated this responsibility to the City, in which case the City shall determine whether access is granted based on adopted County standards.*

Finding: Access from the subject parcel is not from a County facility. **The provisions of this section are not applicable.**

- D. *Traffic Study Requirements. The City or other agency with access jurisdiction may require a traffic impact study (TIS) prepared by a certified professional transportation engineer acceptable to the City. The engineer must be currently licensed and otherwise qualified to perform the work under applicable professional and community standards and must have no financial interest in the project whatsoever and no past or current pecuniary association of any kind with the developer other than occasional work as an independent contractor performing traffic impact studies. The TIS shall determine the impact of the proposed development on existing and proposed transportation facilities and assess the applicant's plans to mitigate such impacts. (See also Section 250—Transportation Facility Standards).*

Finding: The proposal is for a two lot partition with single family residential development proposed. **The provisions of this section are not applicable.**

- G. *Access Spacing. Driveway access shall be separated from other driveways and public and private street intersections in accordance with the following standards and procedures:*

1. *Local Streets. A minimum of 10 feet separation (as measured from the sides of the driveway/ street) shall be required on local streets (i.e., streets not designated as collectors or arterials), except as provided in Subsection 3, below.*
2. *Arterial and Collector Streets. Access spacing on collector and arterial streets shall be determined by the Public Works Director. Access to State Highway 99 shall be subject to review and approved by the Oregon Department of Transportation (ODOT), based on the applicable standards contained in the City's Transportation System Plan and policies contained in the 1999 Oregon Highway Plan.*
3. *Special Provisions for All Streets. Direct street access may be restricted for some land uses. For example, access consolidation, shared access, and/ or access separation greater than that specified by Subsections 1-2, may be required by the City, County or ODOT for the purpose of protecting the function, safety, and operation of the street for all users. (See Subsection I, below.) Where no other alternatives exist, the permitting agency may allow construction of an access connection along the property line farthest from an intersection. In such cases, directional connections (i.e., right in/ out, right in only, or right out only) may be required.*

Finding: The proposed partition is adjacent to a collector street. The applicant has proposed a shared driveway to access the existing and proposed dwellings. As a condition of approval, prior to the issuance of permits, the applicant shall provide Community Development with a shared access and maintenance agreement. **The provisions of this section have been met with conditions.**

- I. *Shared Driveways. The number of driveway and private street intersections with public streets may be minimized by the use of shared driveways with adjoining lots where feasible. The City shall require shared*

driveways as a condition of land division or site design review, as applicable, for traffic safety and access management purposes in accordance with the following standards:

1. *Shared driveways and frontage streets may be required to consolidate access onto a collector or arterial street. When shared driveways or frontage streets are required, they may be stubbed to adjacent developable parcels to indicate future extension. "Stub" means that a driveway or street temporarily ends at the property line, but may be extended in the future as the adjacent parcel develops. "Developable" means that a parcel is either vacant or it is likely to receive additional development (i.e., due to infill or redevelopment potential).*
2. *Access easements (i.e., for the benefit of affected properties) shall be recorded for all shared driveways, including pathways, at the time of final plat approval or as a condition of site development approval.*

Finding: The proposed partition is adjacent to a collector street. The applicant has proposed a shared driveway to access the existing and proposed dwellings. **The provisions of this section have been met.**

8-2.270 SANITARY SEWER AND WATER SERVICE IMPROVEMENTS

- A. *Sewers and Water Mains Required. Sanitary sewers and water mains shall be installed to serve each new development and to connect developments to existing mains in accordance with the City's construction specifications and the applicable Comprehensive Plan policies.*

Finding: Proposed Parcel 2 is currently served by a sewer lateral on Front Street and will not be affected by the proposed partition. Based on comments from Rogue Valley Sewer Services, Parcel 1 will require a new tap into the sewer main along Front Street.

As a condition of approval, the applicant shall, prior to final plat approval, provide Community Development with an approved sewer permit for Parcel 1 from Rogue Valley Sewer Services.

The subject property is currently served by City water along Front Street. Prior to the issuance of permits, the property owner shall submit an application and fee for the installation of water service to the newly created parcel. **The provisions of this section have been met subject to conditions of approval.**

8-2.280 STORM DRAINAGE AND SURFACE WATER MANAGEMENT

- A. *General Provisions. The City shall issue a development permit only where adequate provisions for storm water and surface water runoff have been made pursuant to Resolution 517, Stormwater Design Standards.*

Finding: The property slopes slightly to the northeast towards Front Street. Front Street is improved with a rolled curb and gutter, providing an adequate location for storm and surface water provided stormwater is directed to the street. **The provisions of this section have been met.**

8-2.290 Utilities

C. *Exception to Under-Grounding Requirement. The standard applies only to proposed subdivisions. An exception to the under-grounding requirement may be granted due to physical constraints, such as steep topography, or existing development conditions, when demonstrated by the applicant.*

Finding: There are service poles and overhead utilities shown on the plat. Presumably the intent is to eliminate them. Electrical service to the lots from Front Street should be placed underground as per 8-2.290, but because the request is not for a subdivision, the provisions of this section are not applicable. **The provisions of this section are not applicable.**

8-2.310 Review Procedures and Approvals Process

A. *Subdivision and Partition Approval Through Three-step Process. Applications for subdivision or partition approval shall be processed through a three-step process: the pre-application conference, the preliminary plat, and the final plat.*

1. *A pre-application conference is required for all partitions and subdivisions.*
2. *The preliminary plat for a partition and subdivision shall be approved by the Planning Commission before the final plat can be submitted for approval consideration.*
3. *The final plat shall include all conditions of approval of the preliminary plat.*

Finding: The applicant attended the required pre-application conference and submitted the required preliminary plat application to Community Development. **The provisions of this section have been met.**

8-2.330 Approval Criteria: Preliminary Plat

A. *General Approval Criteria. The City may approve, approve with conditions or deny a preliminary plat based on the following approval criteria:*

1. *The proposed preliminary plat complies with all of the applicable code sections and other applicable ordinances and regulations. At a minimum, the provisions of this Chapter, the provisions of the underlying zoning district and the provisions of the Planned Unit Development Section, when applicable, shall apply. Where a variance is necessary to receive preliminary plat approval, the application shall also comply with the relevant sections of 8-3L.4—Variances;*

Finding: ORS 92.090(6) requires the City to obtain certification from Talent Irrigation District that all conditions of the District have been met. As a condition of approval, prior to final plat, the property owner shall provide the City with a certification signed by the Talent Irrigation District manager. All other applicable criteria has been met or can be met with conditions of approval and are addressed below. **The provisions of this section have been met with conditions.**

2. *The proposed plat name is not already recorded for another subdivision, and satisfies the provisions of ORS Chapter 92;*

Finding: The proposed plat is a partition and does not have any naming requirements. **The provision of this section are not applicable.**

3. *The proposed streets, roads, sidewalks, bicycle lanes, pathways, utilities, and surface water management facilities are laid out so as to conform or transition to the plats of subdivisions and maps of major partitions already approved for adjoining property as to width, general direction, and in all other respects; and are consistent with the City's Transportation System Plan. All proposed public improvements and dedications are identified on the preliminary plat; and*

Finding: The grade of Front Street adjacent to the proposed partition has been set. All street improvements have been completed, however a sidewalk was never installed as part of the project. Should a sidewalk become necessary, the applicant shall contribute to the project in accordance with the Talent Subdivision Code. As a condition of approval, prior to final plat, the applicant shall sign and record a non-remonstrance agreement prepared by the City and approved by the City Attorney. **The provisions of this section have been met.**

4. *All proposed private common areas and improvements (e.g., home owner association property) are identified on the preliminary plat.*

Finding: There are no common areas proposed on the preliminary plat. **The provision of this section are not applicable.**

B. *Residential Density.*

Finding: The density and use of the proposed partition conforms to RS-7 zone standards. **The provisions of this section have been met.**

C. *Block and Lot Standards. All proposed blocks (i.e., one or more lots bound by public streets), lots, and parcels conform to the specific requirements below:*

1. *All lots shall comply with the lot area, setback, and dimensional requirements of the applicable zone district, and the standards of Section 250(J)—Street Connectivity and Formation of Blocks.*

Finding: The minimum lot size in the RS-7 zone is 6,000 square feet for interior lots and 7,000 square feet for corner lots. The zone permits a maximum building coverage of 35 percent. Minimum lot width is 50 feet.

There are no corner lots proposed, therefore the minimum lot size for both parcels is 6,000 square feet. As proposed parcel 1 is 6,255 square feet and parcel 2 is 6,095 square feet which meets the minimum 6,000 square foot lot size. Parcel 1 is 51 feet wide and parcel 2 is 53 feet wide, consistent with required lot widths for the zone. **The provisions of this section have been met.**

2. *Setbacks shall be as required by the applicable zoning district.*

Finding: The RS-7 zone has a 20-foot front setback (24 feet for garages), a 5- or 8-foot interior side setback, and a 10-foot rear setback. Homes that exceed a height of 18 feet require additional setbacks. Paragraph 8-3J.121 (B)(6) of the Talent Zoning Code allows for an unenclosed front porch to extend up to 8 feet into the front setback.

As a condition of approval, prior to issuance of permits, all setbacks and building heights required in the RS-7 zoning district shall be met. **The provisions of this section have been met with conditions.**

3. *Each lot shall conform to the standards of Section 260—Vehicular Access and Circulation.*

Finding: Vision clearance triangles are required on either side of driveways in accordance with Section (260(M) of the Talent Subdivision Code. Subsection 260(N) requires that new driveways be paved. As a condition of approval, prior to certificate of occupancy, the property owner shall pave the required shared driveway. **The provisions of this section have been met with conditions.**

4. *Landscape or other screening may be required to maintain privacy for abutting uses and buffering for pathways, through lots abutting an arterial or collector Street, grade changes and retaining walls, development on flag lots, and similar situations, consistent with the provisions of the Zoning Code, Subdivision Code, and 8-3J.4.*

Finding: All lots shall be landscaped in accordance with Section 8-3J.4 of the Talent Zoning Code. As a condition of approval, prior to certificate of occupancy, landscaping on the developed lot shall be completed in accordance with Section 8-3J.4 of the Talent Zoning Code. **The provisions of this section have been met with conditions.**

5. *In conformance with the Uniform Fire Code, a 20-foot width fire apparatus access drive shall be provided to serve all portions of a building that are located more than 150 feet from a public right-of-way or approved access drive. See also Section 260—Vehicular Access and Circulation.*

Finding: The proposed partition creates lots that are in less than 150 feet in depth. **The provisions of this section are not applicable.**

6. *Where a common drive is to be provided to serve more than one lot, a reciprocal easement, which will ensure access and maintenance rights shall be recorded with the approved subdivision or partition plat.*

Finding: The applicant has proposed a shared driveway to access the existing and proposed dwellings. As a condition of approval, prior to the issuance of permits, the applicant shall provide Community Development with a shared access and maintenance agreement. **The provisions of this section have been met with conditions.**

- E. *The City may require reserve strips be granted to the City for the purpose of controlling access to adjoining undeveloped properties.*

Finding: No reserve strips are necessary to control access to adjoining undeveloped properties. **The provisions of this section are not applicable.**

F. Future Re-division Plan.

Finding: The proposed lots cannot be further divided; no re-division plan is required. **The provisions of this section are not applicable.**

G. Compliance. All submittals shall demonstrate compliance with Article 2, Development and Design Standards, and 8-3H.2 of the Talent Zoning Code.

Finding: Staff finds the submittal, with additional conditions attached, complies with the pertinent code requirements. 8-3H.2 does not pertain since the property is not in either a riparian or wetland zone. **The provisions of this section have been met.**

DISCUSSION

The applicant is proposing a two lot partition. No buildings are proposed at this time as the application is for a Partition. At the time of development, all setback and lot coverage standards will be complied with as well as landscaping and irrigation requirements.

DECISION

Staff tentatively **approves** the minor land partition with the following conditions:

GENERAL CONDITIONS

1. After the City has approved (signed) the plat, the property owner shall follow the procedures outlined in Section 8-2.470, Filing and Recording, in the Subdivision Code.

PRIOR TO FINAL PLAT

2. All requirements of the Talent Irrigation District shall be met or bonded for in accordance with ORS 92.090(6).
3. Provide Community Development with an approved sewer permit for Parcel 1 from Rogue Valley Sewer Services.
4. The applicant shall sign and record a non-remonstrance agreement prepared by the City and approved by the City Attorney.

PRIOR TO ISSUANCE OF PERMITS

5. The property owner shall provide Community Development with an encroachment permit on City forms for the existing and new parcels.
6. Plans shall be submitted placing the drive way at least 10 feet apart.
7. Provide Community Development with a shared access and maintenance agreement for the shared driveway.
8. The property owner shall submit an application and fee for the installation of water service to the newly created parcel.

9. All building setbacks shall be consistent with the standards for the zone.
10. All System Development Charges must be paid to RVS. The property owner shall provide Community Development with evidence that all required sewer service connections have been installed and inspected by RVS.

PRIOR TO CERTIFICATE OF OCCUPANCY

11. The property owner shall pave the required driveway.
12. Landscaping on the developed lot shall be completed in accordance with Section 8-3J.4 of the Talent Zoning Code.

Approved by:



Zac Moody
Community Development Director

July 20, 2016
Date

This matter has been approved administratively without a public hearing. The Talent Zoning Code allows administrative decisions under specified conditions. If no one requests a hearing on this matter within **14 days** of this tentative decision, it becomes the final decision of the city. To appeal an administrative decision requires written notice and a \$250.00 deposit. Please refer to 8-3M.140(E)(5), "Procedures," for specific provisions for appeals on Type-2 decisions.

This decision is being mailed to the applicant and all property owners who responded to the original notice.

For copies of any public documents or more information related to this application, please contact the Community Development Director at 541-535-7401 or via e-mail at zmoody@cityoftalent.org.